(66)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

Writ Appeal No.79 of 2007

APPELLANT (Petitioner)	:	Yogesh Kumar Vishwakarma, S/o late Shri G.R. Vishwakarma, aged about 30 years, R/o C/o Shri Shiv Kumar Vishwakarma, Quarter No.P-3, Section – 1, Housing Board Colony, Shankar Nagar, Raipur (C.G.)
		Versus
RESPONDENTS (Non-applicants)	1.	State of Chhattisgarh – through the Secretary, Housing & Environment Department, D.K.S. Bhavan, Raipur (C.G.)
	2.	The Deputy Secretary, State of Chhattisgarh, Housing & Environment Department, DKS Bhavan, Raipur (C.G.)
	3.	The Secretary, General Administration Department, State of Chhattisgarh, DKS Bhawan, Raipur (C.G.0
	4.	The Chhattisgarh Public Service Commission – through the Secretary, Shankar Nagar, Raipur (C.G.)
	5.	The Chhattisgarh Housing Board, through its Commissioner, Shankar Nagar, Raipur (C.G.)

Writ appeal under Rule 157(10) read with 2(1) of High Court of Chhattisgarh (Appeal to Division Bench) 2006

Present : Shri P.Diwakar, Sr. Advocate with Shri P.R. Patankar, counsel for the appellant.

ORAL ORDER
(Passed on 18th April, 2007)

The following oral order of the Court was passed by

H.L. Dattu, C.J.

This appeal arises out of an order passed by the learned Single Judge in W.P. No. 1194 of 2007, dated 28-02-2007.

(2) The appellant before us was working in the Department of Housing and Environment as regular employee. He was deputed to work in Public Service

Commission by an order passed by the Competent Authority. While he was serving as deputationist, the Competent Authority of Housing and Environment Department has passed another order repatriating the services of the appellant to the parent department. Aggrieved by the said order, the appellant was before this Court in W.P. No. 1194 of 2007.

(3) Learned Single Judge has rejected the writ petition by his order dated 28-02-2007. It is the correctness or otherwise of the said order is the subject matter of this writ appeal.

(4) Shri P.Diwakar, learned Sr. counsel appearing for the appellant would submit that the Public Service Commission is about to pass an order to absorb the services of the appellant and therefore, learned Single Judge ought not to have rejected the writ petition.

(5) The deputationist as a matter of right cannot contend that he should be absorbed in the place where he is posted as deputationist. His services will always remain in the lien of the parent department. The Competent Authority of the parent department in exigency of the services can pass an order repatriating the deputationist to the parent department. The law on the point is well settled by catena of decisions of the Apex Court. Repetition of the same is not necessary for the purpose of disposal of this writ appeal.

(6) In view of the above, we are of the firm opinion that the learned Single Judge has not committed any error what-so-ever, which would call for our interference. Therefore, the appeal requires to be rejected. In our opinion, if liberty is reserved to the appellant to make a representation before the parent department to continue his services as deputationist in the service of Public Service Commission, no prejudice would be caused to anyone of the parties. Therefore, while rejecting the writ appeal, we direct the appellant to make appropriate representation before the Competent Authority of the Housing and Environment Department to continue his services as deputationist in the Public Service Commission, so that the Public Service Commission would be in a position to pass an appropriate order to absorb the services of the appellant. It is

needless to state that the Competent Authority of the Housing and Environment Department would consider the same in accordance with law.

(7) With these observations, the writ appeal stands disposed of. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge